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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,178	04/05/2006	Nicholas Fletcher	3255-7679US	5585

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EXAMINER	
COOLMAN, VAUGHN	
ART UNIT	**PAPER NUMBER**
3618	

NOTIFICATION DATE	DELIVERY MODE
04/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Office Action Summary	Application No.	Applicant(s)	
	10/568,178	FLETCHER, NICHOLAS	
	Examiner	Art Unit	
	VAUGHN T. COOLMAN	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20060210, 20060420, 20090306*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-29, 33-35, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Beran (U.S. Patent No. 5,941,552 A).

[claim 21] Beran discloses a snowboard binding (FIG 11) including:

a binding base (23) having a front end and a rear end;

an aperture (36) in said binding base intermediate said front and rear ends for receiving a snowboard engaging member (24) adapted to releasably secure said binding base to the snowboard, the perimeter of said aperture including at least one pair of adjacent points adapted for relative movement; and

separation means (40-48) to selectively space said adjacent points to loosen said board engaging member to enable said binding base to be moved relative to said board engaging means.

[claim 22] Beran further discloses said separation means includes an actuator (40) operably connected to said binding base, wherein, upon operation of said actuator, the perimeter of said aperture is varied to enable said binding base to be moved relative to said snowboard engaging member from a first position and to be re-engaged in a second position (column 8, lines 40-50).

[claim 23] Beran further discloses said separation means includes space variation means operable to vary the space between said adjacent points between a closed, fixed position (when aperture 36 is tightened against 34) and an open, adjustment position.

[claim 24] Beran further discloses said space variation means includes an over centre or cam mechanism (FIGS 8a, 8b) capable of being shifted by operation of a lever (40) from a closed position to an open position to vary the space between said adjacent points.

[claim 25] Beran further discloses said space variation means includes a space variation rod (47) which extends between opposed edges (35) of said binding base defining the separation spacing said adjacent points said space variation rod anchored (via 48) to a portion of said binding base remote front said actuator.

[claim 26] Beran further discloses said adjacent points are interposed by a separation defined by adjacent or opposed edges of said binding base, wherein said separation is in the form of a gap.

[claim 27] Beran further discloses said gap extends through the binding base in a generally outward direction relative to the centre of the aperture so that said gap is continuous (see FIGS 7a, 9, 10, and 13) from the aperture to the outside of the binding base.

[claim 28] Beran further discloses said aperture is circular and said board engaging member is disc shaped, the respective surfaces of the aperture wall the rim of said snowboard engaging member having surface features which are operable to complementarily engage in a fixed position (see FIG 7c).

[claim 29] Beran further discloses said binding base is a plate structure that is substantially planar in shape, said snowboard binding further including reinforcing means (47)

extending across the separation spacing said adjacent points to stabilize the binding plate structure.

[claim 33] Beran further discloses said binding base includes a substantially planar plate defining said aperture, the sole of the snowboard boot directly or indirectly resting in use on said planar plate, said planar plate including a toe section extending across the front of said planar plate and a heel section extending across the rear of said planar plate, respectively forward and rearward of the substantially vertical binding side structures, said adjacent points relatively movably separated by the separation spacing said adjacent points, said separation located in at least said toe section (FIG 11).

[claim 34] Beran further discloses the separation spacing said adjacent points comprises a gap defined by opposed edges of said binding base extending between said aperture and the periphery of said binding base in continuous spaced relationship (FIGS 7a, 9, 10, and 13).

[claim 35] Beran further discloses the separation spacing said adjacent points comprises an incomplete cut, wherein the connected portion of the toe or heel section of said binding base acts as a hinge.

[claim 39] Beran discloses a snowboard binding having a binding base with a front end and a rear end and an aperture in said binding base intermediate said front and rear ends for receiving a snowboard engaging member adapted to releasably secure said binding base to the snowboard, the perimeter of said aperture including at least one pair of adjacent points adapted for relative movement, said adjacent points located either side of a gap, wherein the widening of said gap enables said binding base to be moved relative to said snowboard engaging member.

[claim 40] Beran discloses a method of modifying a snowboard binding having an aperture to engage an engaging member of a snowboard, said method including the step of:

removing a portion of the base of said binding to create a gap extending generally radially outwardly from a board engaging member aperture (column 7, lines 46-53), wherein the perimeter of said aperture includes a pair of adjacent points, wherein one of said adjacent points is on each side of said gap, and wherein said gap is capable of being widened to increase the size of said aperture to enable said binding to be moved relative to said snowboard engagement means for removal, replacement or adjustment from or relative to said snowboard.

Claims 21 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Borsol (EP 0756882 A1).

[claim 21] Borsol discloses a snowboard binding (FIGS 1 and 2) including:

a binding base (2) having a front end and a rear end;

an aperture (8a, 8b) in said binding base intermediate said front and rear ends for receiving a snowboard engaging member (10) adapted to releasably secure said binding base to the snowboard, the perimeter of said aperture including at least one pair of adjacent points adapted for relative movement; and

separation means (17-19) to selectively space said adjacent points to loosen said board engaging member to enable said binding base to be moved relative to said board engaging means.

[claim 38] Borsol further discloses the rim of said snowboard engaging member is lined with circumferentially spaced contact portions and the spaces between said contact portions are

filled to resist ingress of snow and ice, said contact portions comprising surfaces that extend slightly proud of a generally circular external surface of said snowboard engaging member (column 4, lines 46+).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beran in view of Maravetz (U.S. Patent No. 6,523,851 B1).

[claim 30] Beran discloses all of the elements of the claimed invention as described above except for said reinforcing means being a rigid elongate member ***and*** aligned generally parallel to said space variation means. Maravetz teaches an assembly (FIG 3) wherein the assembly includes reinforcing means extending across a separation spacing adjacent points (ears holding 170 and 172) to stabilize the structure. Maravetz also teaches said reinforcing means (170, 172) being a rigid elongate member aligned generally parallel to space variation means (90). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Beran with the reinforcement means configuration of Maravetz in order to provide the advantage of horizontally aligning the separate portions of the plate.

[claim 31] Maravetz further teaches said reinforcing means being anchored to said binding base associated with one of said adjacent points and is slidable in a bore (176) associated with the other of said adjacent points. Examiner notes that although Maravetz shows two separate gaps being reinforced by the rigid reinforcing means, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide only one reinforcing means to correspond with the singular gap of Beran.

[claim 32] Maravetz further teaches said reinforcing means being slidable in coaxial bores (176 and opposite unlabeled bore) associated with opposed said adjacent points, wherein said reinforcing means is slidably trapped within the confines of said opposed coaxial bores. Examiner notes that although Maravetz shows the reinforcing means outside of bore 176, it would have been obvious to one of ordinary skill in the art at the time the invention was made that when applied to the smaller gap of Beran, the reinforcing means would be slidably trapped in the bores.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beran.

[claim 36] Beran discloses an axial bolt in the heel section. However, Beran does show said hinge includes a hinged joint (56) in the form of an axial bolt located in substantially vertical coaxial bores of overlapping portions of opposed portions of the base. Beran also mentions "in many instances it can be advantageous to cut the slot vertically . . . with respect to flanges 35 of base plate 23". As such, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the hinged joint including an axial bolt of FIG 13

with the slot configuration of FIG 11, and thereby the overlapping portions would be located in the heel section of the base.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beran in view of Ratzek (U.S. Patent No. 5,236,216 A).

[claim 37] Beran discloses all of the elements of the claimed invention as described above except for a compressible surface material to provide means for high frictional engagement between the aperture and the rim of the snowboard engaging member. Ratzek teaches a snowboard engaging member (14) substantially similar to that of Beran and further teaches the rim of said snowboard engaging member, or at least a portion thereof, is lined by a compressible surface material (27) to provide means for high frictional engagement with an aperture (2) of a base plate (1), the compressible surface feature comprising said compressible surface material enabling an infinite number of rotated potential positions to be adopted by said snowboard binding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by Beran with the compressible surface material of Ratzek to provide the advantage of "increase[ing] the friction and afford shock damping" (column 5, lines 1-3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

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